

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Karen L. Bartlett

v.

Civil No. 08-cv-358-JL

Mutual Pharmaceutical Company, Inc.

ORDER

Re: Document No. 292, Motion to Exclude Evidence of Plaintiff's Untimely Medical Records

Ruling: Granted in part but denied in part. Based on the filings and today's telephone conference, the motion is granted to the extent that a sanction will be granted, but not the sanction requested by the defendant. The plaintiff failed to comply with the discovery deadline, and the violation was neither substantially justified nor harmless. The plaintiff is ordered, under Rule 37(c)(1)(A), to pay Mutual's reasonable expenses, to include paralegal fees but no more than two hours of attorneys' fees, caused by Mutual's failure. Should the parties be unable to agree on the amount as proposed and substantiated by Mutual, Mutual shall seek relief from this court to make that determination. Should the court's involvement be required, the court will determine (a) the amount of the payment, and (b) whether plaintiff's counsel shall be required to personally make the payment.

/s/ Joseph N. Laplante
Joseph N. Laplante
U.S. District Judge

Date: August 11, 2010

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